



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

August 9, 2007

9:00 AM

District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair

Charles Dauray

Shannon Estenoz

Nicolás Gutiérrez, Vice-Chair

Melissa Meeker

Patrick Rooney

Harkley Thornton

Malcolm Wade

Members Absent:

Michael Collins

1. Call to Order - Eric Buermann, Chairman

Chair Buermann called the meeting to order at 9:13 am

2. Pledge of Allegiance - Eric Buermann, Chairman

Chair Buermann led the group in the Pledge of Allegiance.

3. Arthur R. Marshall Foundation Annual Student Photography Project - Presented by Carol Wehle, Executive Director

Ms. Wehle, Executive Director, recognized the Arthur Marshall Foundation Annual Student Photography Project.

Chair Buermann and Ms. Wehle presented each of the students with a plaque of recognition.

4. Employee Recognitions - Presented by Carol Wehle, Executive Director

Carol Wehle, Executive Director, recognized the June Team of the Month, Maintenance Support Facility Team.

Carol Wehle, Executive Director, recognized the July Employee of the Month, Temperince Morgan.

Carol Wehle, Executive Director, recognized the July Team of the Month, The Control Burn Opportunity Team.

Carol Wehle, Executive Director, recognized the August Employee of the Month, Susan Ray.

Carol Wehle, Executive Director, recognized the August Team of the Month, The Accounting Team.

5. Agenda Addendum

Annette Carter, Director of Governing Board and Executive Services, read into the record the agenda addendum. Copies were made available to the public.

6. Abstentions by Board Members from items on the Agenda

Ms. Estenoz announced her abstention on Consent Agenda Item 43.

Mr. Wade announced his abstention on Consent Agenda Item 43; Regulatory Consent Agenda Item 13, Page 4, #1, Bolles Drainage District (070608-3) and Regulatory Consent Agenda Item 13, Page 17, #9, Pahokee Water Control District (070613-6). Mr. Wade also abstained from Agenda Item 87, which was a continuation of the Workshop Agenda Item 11 (Backpumping).

7. Audit and Finance Committee Report - Charles Dauray, Chair

Mr. Dauray reported on the Audit and Finance Committee. The Committee will meet monthly for the next three months and then quarterly. The next meeting has been scheduled for September 25, 2007.

8. Human Resources Committee Report - Nicolas Gutierrez, Chair

Mr. Gutiérrez reported on the Human Resources Committee, The Committee agreed on holding quarterly meetings at the South Florida Water Management Headquarters.

9. Project and Lands Committee Report - Harkley Thornton, Chair

Mr. Thornton reported on the Project and Lands Committee meeting. The next meeting will be held on September 12, 2007.

Chair Buermann thanked all of the Committees for their reports.

Consent Agenda

10. Public Comment on Consent Agenda

Rosa Durando commented on the Permit Application for Pahokee Water Control District (Item 13, page 17 #9) and expressed her opposition to the renewal of the permit.

Ms. Estenoz asked that staff meet with Rosa Durando to address her concerns.

Mr. Merriam and staff will meet with Ms. Durando at a future date.

Cynthia Plockelman commented on the Banyan Golf Club (Item 13, page 15 #3) and would like to know what water resources will the Club be using for their irrigation.

Chip Merriam, Deputy Executive Director, Water Resources, addressed the concerns from Ms. Plockelman and clarified that the numbers provided in the backup showed a typographical error.

There was a discussion on water quality issues.

Ms. Wehle stated that a workshop will be planned with the Board regarding water quality and the responsibilities of the different agencies, including the South Florida Water Management District, the Department of Environmental Protection and local governments.

11. Pull Items from Consent for Discussion from Governing Board Meeting Agenda

The following items were moved from the Consent Agenda to the Discussion Agenda:

Regulatory Consent Agenda Item 13, Page 6, #1, Berry Sanders; Page 7, #5, Rosbaugh Grove; and Page 7, #7 Tropical Grove.

Public Comment: Jackie Cohen, Audubon, commented on the water use permits.

Mr. Merriam will work in arranging a meeting between Audubon and the landowners to address water supply alternatives such as water reuse.

12. Board Comment on Consent Agenda

Ms. Meeker commented on Water User permit renewals. for Public Water Supply.

Mr. Rooney asked about the dollar amount for discussion agenda items.

Mr. Olliff provided the information to Mr. Rooney.

Water Resources

13. Water Use Permit Applications
Surface Water Management Permit Applications (includes Conservation Easements)
Environmental Resource Permit Applications (includes Conservation Easements)
Everglades Works of the District Permit Applications
Denials
Consent Agreements
- Water Shortage Enforcement Actions
Page 2 No 2 Fiddlers Creek Golf Course (WU): **Postponed** to September Board
Page 3 No 2 Peeples Ranch (WU): **Postponed** to October Board
Page 7 No 6 Treeco (WU): **Postponed** to October Board
Page 7 No 8 Winner Grove (WU): **Postponed** to September Board
Page 8 No 2 Jupiter Hills Club (WU): **Postponed** to September Board
Page 12 No 1 Orange County Utilities Water Supply Augmentation (WU): **Postponed** to September Board
Page 13 No 3 Reunion Resort West Village (WU): **Postponed** to September Board
Page 14 No 5 Saint Cloud Surface Water Treatment Augmentation (WU): **Postponed** to September Board
Page 16 No 5 Cypress Lakes Homeowners Association Inc (WU): **Postponed** to October Board
Page 19 No 6 Tesoro (WU): **Postponed** to October Board
Page 20 No 2 Palm Island (WU Denial): **Removed** from agenda
Page 21 No 5 Sun Forest (WU Denial): **Postponed** to September Board
Page 22 No 1 Lakeside of Naples Residents Association: (WU Denial): **Removed** from agenda
Page 22 No 2 Leinweber Citrus Grove (WU Denial): **Removed** from agenda
Page 22 No 3 Sapphire Lakes Condominium (WU Denial): **Removed** from agenda
Page 23 No 3 Labelle Ranch FKA Flipse Farm (WU Denial): **Postponed** to September Board
Page 24 No 1 Buckingham (WU Denial): **Removed** from agenda
Page 25 No 1 Summerfield Community Association (WU Denial): **Removed** from agenda
14. Right of Way Occupancy New Permits
Right of Way Occupancy Permit Modifications
Right of Way Occupancy Permit Requests with Waiver of Payment of Application Processing Fee
Right of Way Occupancy Permit Applications for Denial
Relaxation of Standards as Allowed Under District Rule 40E-6.011(9) F.A.C.
Right of Way Occupancy Permit Requests with Waiver of District Criteria
15. Request Governing Board Approval of Proclamation Declaring September 9-15, 2007 as Water Reuse Week (Ching Garvey, ext. 2019)

16. **2007-800** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three month cost share agreement with the City of Marco Island for Construction of Water Quality Improvement Projects in the total amount of \$1,528,627 of which the District's total contribution is \$175,000 in dedicated funds (State Appropriations) which is budgeted; providing an effective date. (Contract 4600000999); (Steve Sentes, Ext. 7754/ Molly Meadows, Ext. 7730).
17. **2007-801** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 6 month contract with Leahy Inc., the lowest responsive and responsible bidder, for E-Permitting Microfiche conversion to Electronic Storage, in the amount of \$448,000 for which ad valorem funds (Districts General Fund and Okeechobee Basin Fund) in the amount of \$448,000 are budgeted; providing an effective date (Contract Number 4600001007) (Robert M. Brown, ext 6283)
18. **2007-802** A Resolution of the Governing Board of the South Florida Water Management District approving a partial release of Conservation Easement for a project known as Cypress Woods Golf and Country Club (Collier County); providing an effective date (Anita Bain, ext 6866)
19. **2007-803** A Resolution of the Governing Board of the South Florida Water Management District approving a partial release of Conservation Easement for a project known as Old 41 Widening Phase 2 (Lee County); providing an effective date (Anita Bain, ext 6866)
20. **2007-804** A Resolution of the Governing Board of the South Florida Water Management District approving a partial release of Conservation Easement for a project known as Tuscany Reserve (Collier County); providing an effective date (Anita Bain, ext 6866)
21. **2007-805** A Resolution of the Governing Board of the South Florida Water Management District approving a partial release of Conservation Easement for a project known as Port Salerno Industrial Park (Martin County); providing an effective date (Anita Bain, ext 6866)
22. Approve a Consent Agreement for Spring Lake Improvement District to allow a temporary pump to meet the projected flood protection needed (Highlands County) (Don Loving, ext 3607)
23. **2007-806** A Resolution of the Governing Board of the South Florida Water Management District approving a Partial Release of a Conservation Easement for a project known as Thacker Avenue Widening (Osceola County)); providing an effective date (Anita Bain, ext 6866)

24. Approve entering into a Consent Agreement with J. Michael Crooks and Farm-Op, Inc. for the Crooks Ranch Property to allow a temporary water use allocation to meet the projected demands for a 1-year duration (Keith Smith, ext 6620)
25. Approve entering into a Consent Agreement with James D. Hull and Pauline Townsend for the Devil's Garden Golden Ox Property to allow a temporary water use allocation to meet the projected demands for a 1-year duration (Keith Smith, ext 6620)
26. **2007-807** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 210 days contract with Jaffer Associates Corporation, the lowest responsive and responsible bidder, for the Construction of a Floridan Aquifer System Test Well in West-Central Broward County, in the amount of \$891,723 for which dedicated funds (Comprehensive Everglades Restoration Plan Fund) are budgeted; providing an effective date. (Contract Number 4600001025) (Simon Sunderland, ext. 2705)
27. **2007-808** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into one year agreements with Water Savings Incentive Program applicants in an amount not to exceed \$400,000 for which ad valorem funds are budgeted, subject to Governing Board approval of the FY2008 budget; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date (Jane Bucca, ext. 6791)
28. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)
29. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

Everglades Restoration Resources

30. **2007-809** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and Issuance of Non-Use Commitments; providing an effective date. (Vinola Rada, ext. 6836)

31. **2007-810** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 154 acres, more or less, to be determined, in Lee and/or Collier counties, Corkscrew Regional Ecosystem Watershed Project ("CREW Project") and/or Critical CREW Project in the amount of \$712,404.00, and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)
32. **2007-811** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 1,620.34 acres, more or less, in the amount of \$16,203,400, direct expenses in the amount of \$5,373.75, interest in the amount of \$1,640,832.11 and associated costs in the amount of \$177,000 from Save Our Everglades Trust Fund; for the CERP Lake Okeechobee Watershed Project in Glades County; providing an effective date. (Tom Hanaway, ext. 6668)
33. **2007-812** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.5 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$21,428 and associated costs; for which dedicated funds (Lake Belt Mitigation) have been budgeted; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Barbara Katz, ext. 6837)
34. **2007-813** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 20 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$170,000 and associated costs; for which dedicated funds (Lake Belt Mitigation) have been budgeted; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Barbara Katz, ext. 6837)
35. **2007-814** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 20.20 acres, more or less, for the Indian River Lagoon - South CERP Project, in St. Lucie County, in the amount of \$525,200.00 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted, together with statutory costs and attorney's fees in the total amount of \$41,800.00 for which dedicated funds (ad valorem funds) are budgeted; approve declaring surplus, disposal or, and removal from the asset records, any such structures deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Bob Schaeffer, ext. 2985)

- 36. 2007-815** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 20.20 acres, more or less, in the total amount of \$525,200.00 and associated costs; for the Indian River Lagoon - South CERP Project in St. Lucie County, Florida; providing an effective date. (Bob Schaeffer, ext. 2985)
- 37. 2007-816** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 34.84 acres, more or less, for the Indian River Lagoon - South CERP Project, in St. Lucie County, in the amount of \$905,840.00 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted, together with statutory costs and attorney's fees in the total amount of \$68,600.00 for which dedicated funds (ad valorem funds) are budgeted; approve declaring surplus, disposal or, and removal from the asset records, any such structures deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Bob Schaeffer, ext. 2985)
- 38. 2007-817** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 34.84 acres, more or less, in the total amount of \$905,840.00 and associated costs; for the Indian River Lagoon - South CERP Project in St. Lucie County, Florida; providing an effective date. (Bob Schaeffer, ext. 2985)
- 39. 2007-818** A Resolution of the Governing Board of the South Florida Water Management District approving the purchase of land interests containing 4.07 acres, more or less, in Collier County, Golden Gate Canal Weir #3, Southern Corkscrew Regional Ecosystem Restoration Project in the amount of \$381,000; and associated costs; approve a transfer of dedicated funds (Capital Projects - Big Cypress Basin) from Operations and Maintenance Facilities Construction/Improvement Project to Southern Corkscrew Regional Ecosystem Watershed Project; and approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)
- 40. 2007-819** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a memorandum of understanding with Okeechobee County to manage public use and recreation at Taylor Creek Stormwater Treatment Area, at no additional cost to the District; providing an effective date. (Contract Number 400000987) (Steve Coughlin, ext. 2603)

Executive Office

41. **2007-820** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Alfonso Hidalgo and all other appropriate or necessary parties in the 11th Judicial Circuit in and for Miami-Dade County, or any other appropriate Court, regarding the violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code. (Michael Compagno, Ext. 6842)
42. **2007-821** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against John Cook, in the 10th Judicial Circuit in and for Highlands County regarding the violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, and against any other appropriate or necessary parties in the appropriate Court; providing an effective date. (Michael Compagno, Ext. 6842)
43. **2007-822** A Resolution of the Governing Board of the South Florida Water Management District authorizes amending a contract with Troutman Sanders, LLP in the amount of \$50,000.00 for legal services relating to stormwater treatment area permitting issues for a total amount of \$200,000.00, with no change in terms, for which dedicated funds have been budgeted. (Kirk Burns, x6546)
44. **2007-823** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year Memorandum of Understanding with four (4) Ranchers, World Wildlife Fund, Inc., the Florida Department of Environmental Protection, and the Florida Department of Agriculture and Consumer Services to establish a working relationship to implement additional Florida Ranchlands Environmental Services Pilot Projects at no cost to the District; providing an effective date. (Contract Number 4600000994) (Benita Whalen, ext. 3014)
45. **2007-824** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year Agreement with Lightsey Cattle Company, for the implementation of a Florida Ranchlands Environmental Services Pilot Project in an amount not to exceed \$137,280, for which dedicated funds (Lake Okeechobee Trust Fund) are budgeted, which were specifically appropriated by the State through the Community Budget Issue Request (CBIR) process; providing an effective date. (Contract Number 4600001003) (Benita Whalen, ext. 3014)
46. **2007-825** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year Agreement with Rafter T Ranch, for the implementation of a Florida Ranchlands Environmental Services Pilot Project in an amount not to exceed \$609,151, for which dedicated funds (Lake Okeechobee Trust Fund) are budgeted, which were specifically appropriated by the State through the Community Budget Issue Request (CBIR) process; providing an effective date. (Contract Number 4600001019) (Benita Whalen, ext. 3014)

47. **2007-826** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year Agreement with C. M. Payne & Son, Inc., for the implementation of a Florida Ranchlands Environmental Services Pilot Project in an amount not to exceed \$298,489, for which dedicated funds (Lake Okeechobee Trust Fund) are budgeted, which were specifically appropriated by the State through the Community Budget Issue Request (CBIR) process; providing an effective date. (Contract Number 4600001018) (Benita Whalen, ext. 3014)
48. **2007-827** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year Agreement with Syfrett Ranch West, for the implementation of a Florida Ranchlands Environmental Services Pilot Project in an amount not to exceed \$183,500, for which dedicated funds (Lake Okeechobee Trust Fund) are budgeted, which were specifically appropriated by the State through the Community Budget Issue Request (CBIR) process; providing an effective date. (Contract Number 4600001004) (Benita Whalen, ext. 3014)

Operations and Maintenance

49. **2007-828** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 210 day cost share agreement with the Florida Division of Emergency Management (DEM) for the S-59 / S-61 design phase for the Structure Capacity Expansion in the total amount of \$366,489, of which the District's total contribution is \$109,947 from ad valorem funds, subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number 4600001020) (Gregory Coffelt, ext. 2623)

50. Board Vote on Consent Agenda

Ms. Estenoz announced her abstention on Consent Agenda Item 43.

Mr. Wade announced his abstention on Consent Agenda Item 43; Regulatory Consent Agenda Item 13, Page 4, #1, Bolles Drainage District (070608-3) and Regulatory Consent Agenda Item 13, Page 17, #9, Pahokee Water Control District (070613-6).

Motion made by Nicolás Gutiérrez, seconded by Eric Buermann to Approve the following item(s): 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49

Vote called. Voting yes: Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Workshop Agenda

Water Resources

51. **Water Summit Update** - Carol Wehle, Executive Director

Carol Wehle, Executive Director gave an update on the Water Summit 2007. It was a great opportunity to interact with the participants and the public. The interaction module part of the Summit was welcomed by all the participants. It was suggested that the Summit be taken on the road and the panelist be chosen from the local area. In addition, the water condition discussion will be a monthly part of the Lake Okeechobee Committee Agenda. This was a recommendation from the participants.

Mr. Dauray complimented the staff on the Water Summit.

Mr. Wade also complimented the staff on their success and added that this will be a great tool for the future.

Public Comments:

Jackie Cohen, representing Audubon of Florida, reported that they were very pleased to have participated in the Water Summit.

Newton Cook, representing himself, thanked the District for the opportunity to participate in the Water Summit. He commented on the need to find a way to move water south to establish a flowway again.

Rosa Durando commented on the Water Summit and stated that most of the members participating did not have enough historical background on the issues. The Water Summit should have dealt more with the historical facts.

Arthur Marshall stated that the Water Summit was very enjoyable.

87. Continuation of Wednesday, August 8, Workshop Item 11 Backpumping - Carol Wehle

(10:00 am Time Certain)

Chair Buermann continued Item 11, Backpumping, from Wednesday's Workshop, for Board comments and motions.

There was discussion on storing water on Rotenberger Tract and Holeyland Tract for future use plus moving water into Lake Okeechobee from S2 and S3 structures. There was also discussion on short term and long term solutions for water storage options.

Mr. Thornton, seconded by Mr. Gutiérrez, made the following motion:

The District staff should pursue all options, other than backpumping, including storing water on Rotenberger and Holeyland Tracts and report back to the Governing Board in September. The motion was unanimously approved with Mr. Wade abstaining.

The Governing Board also directed staff to pursue long term solutions for higher levels of protection for water supplies during droughts.

Mr. Gutiérrez, seconded by Mr. Thornton, made a motion to move water to Lake Okeechobee from the S3 structure. There was discussion regarding water quality, balance, emergency situations and pending litigation.

Sheryl Wood, General Counsel, gave a streamlined explanation of the process to get approval for backpumping.

Vote called. voting yes: Nicolás Gutiérrez, Harkley Thornton, Patrick Rooney. Voting no. Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker. Abstained: Malcolm Wade. Motion did not pass.

Corporate Resources

53. Proposed FY2008 Budget and Annual Work Plan - Tom Olliff, Assistant Executive Director, and Doug Bergstrom, Director, Budget Division

Tom Olliff, Assistant Executive Director, introduced Doug Bergstrom, Director, Budget Division, who presented the Proposed FY2008 Budget and Annual Work Plan.

Mr. Dauray asked if the Certificates of Participation (COPs) were in any kind of jeopardy because of the budget cuts.

Mr. Bergstrom reported that the Budget cuts did not affect the COPs.

Ms. Meeker asked if the amount shown for the COPs in the Budget was projected or factual.

Mr. Bergstrom responded the amount reflected funds received for 2007.

Chair Buermann asked that the Mobile Urban Irrigation Lab that was cut from the budget be reconsidered for the 2008 budget.

Mr. Gutiérrez agreed with Chair Buermann.

Mr. Oliff continued with the presentation on budget priorities as requested by the Governing Board.

Mr. Dauray expressed opposition to the Telemetry Tower next to the Corskcrew Swamp from the Corkscrew group, and requested finding an alternative place for the installation of the tower.

Ms. Meeker asked staff for a summary of what construction projects are moving ahead regardless of the budget cuts.

Ms. Wehle stated that the staff is working on a criteria for these projects that will be brought to the Governing Board in the future. This criteria will help staff prioritize the projects. The criteria will be presented to the Project and Lands committee and then to the full Governing Board.

Chair Buermann thanked Mr. Oliff and Mr. Bergstrom for the presentation and adjourned for lunch. Chair Buermann and Ms. Woods announced the closed-door session.

54. Procurement Process Overview Carrie Hill, Assistant Deputy Executive Director, Corporate Resources, and Frank Hayden, Director, Procurement Department

Frank Hayden, Director, Procurement Department, presented an overview on the procurement process. There was discussion on the contracting procedures.

Mr. Rooney asked for an explanation of the District Leadership Team (DLT) Team.

Mr. Oliff explained the history and creation of the District Leadership Team (DLT).

Discussion Agenda

Water Resources

55. Water Shortage Emergency

Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions to address the water shortage conditions (Terrie Bates, ext. 6952)

Enter a Final Order concurring with the Executive Director's Order rescinding the Emergency Authorization for the Temporary Burn Ban on District Lands Subject to Chapter 40E-7, Part V, F.A.C., Due to Drought Conditions and Imminent Danger of Wildfires (Order No. 2007-404-DAO).

Motion made by Nicolás Gutiérrez, seconded by Malcolm Wade to Approve the following item(s): 55

Vote called. Voting yes: Nicolás Gutiérrez, Malcolm Wade, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

56. Authorize publication of Notice of Rulemaking in the Florida Administrative Weekly to amend Rules 40E-2.091, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.381, 40E-20.011, 40E-20.091, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331 and 40E-20.381, F.A.C., to address permitting criteria applicable within the Central Florida Coordination Area and to update references to the Basis of Review for Consumptive Use Permits (Keith Smith, ext. 6620)

Public Comments:

Edward de la Porte, representing Polk County, spoke in support of the rule and thanked the District for all the hard work on the rulemaking.

Tim Perry, representing the TOHO Water Authority, spoke in support of the rule.

Mr. Merriam added his thanks to the staff for all their work in developing the rule.

Mr. Thornton thanked the staff and stakeholders for their support of the rule.

Motion made by Harkley Thornton, seconded by Nicolás Gutiérrez to Approve the following item(s): 56

Vote called. Voting yes: Harkley Thornton, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Malcolm Wade. Motion passed.

- 57. 2007-843** A Resolution of the Governing Board of the South Florida Water Management District relating to a proposed comprehensive plan amendment requested by Hendry County; objecting to the proposed amendment on the grounds that it may adversely impact the Everglades Restoration efforts and does not adequately address water supply impacts; providing an effective date (Chip Merriam, ext. 6597) (Resolution Number added)

Chip Merriam, Deputy Executive Director, Water Resources, presented on this item. Motion made by Nicolás Gutiérrez, seconded by Malcolm Wade to Approve the following item(s): 57

Vote called. Voting yes: Nicolás Gutiérrez, Malcolm Wade, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

58. CERP-Discussion

Approve Environmental Resource Permit Modification Application 051013-8 for construction and operation of a surface water management system to serve 459.2 acres of roadway widening of State Road 70 (St. Lucie County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation Department, requested approval for Environmental Resource Permit Modification Application 051013-8.

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 58

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

59. CERP-Discussion

Approve Environmental Resource Permit Modification Application 060818-4 for construction and operation of a surface water management system serving a 551 acre road development known as I-75 from Golden Gate Parkway to Lee County Line (Lee County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation Department, requested approval for Environmental Resource Permit Modification Application 060818-4.

Ms. Estenoz requested a workshop on District mitigation policies as suggested at yesterday's Project and Lands Committee.

Chair Buermann agreed.

Ms. Wehle suggested that a schedule be created, from now until December, with future workshops and presented to the Governing Board for approval.

Motion made by Charles Dauray, seconded by Nicolás Gutiérrez to Approve the following item(s): 59

Vote called. Voting yes: Charles Dauray, Nicolás Gutiérrez, Eric Buermann, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 60.** Approve the renewal and modification of Water Use Permit Application 060207-8 for the City of North Miami Beach for a 20-year permit duration (Miami-Dade County) (Keith Smith, ext 6620)

Chair Buermann recognized the representatives from Miami-Dade County.

Chip Merriam, Deputy Executive Director, Water Resources, asked the Board for approval of the Water Use Permit Application for the City of North Miami Beach.

Motion made by Nicolás Gutiérrez, seconded by Harkley Thornton to Approve the following item(s): 60

Vote called. Voting yes: Nicolás Gutiérrez, Harkley Thornton, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Malcolm Wade. Motion passed.

- 61. 2007-829** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a two year contract with the Florida Department of Agriculture and Consumer Services for implementation of Hybrid Wetland Treatment Technology Systems in the St. Lucie and Lake Okeechobee Watersheds, in the amount of \$3,000,000, for which dedicated funds (Save Our Everglades Trust Fund) are subject to Governing Board approval of the FY08 budget; providing an effective date. (David Unsell, ext. 6888)

David Unsell, Division Director, Lake Okeechobee Division, provided a presentation and asked for authorization to enter into a two year contract with the Florida Department of Agriculture and Consumer Services.

Ms. Meeker asked for clarification on one of the slides.

Mr. Unsell provided clarification.

Mr. Thornton and Mr. Dauray questioned the funding source and the technological process.

Mr. Barnett responded to the funding questions.

There was discussion on possibly deferring this item.

Mr. Dauray suggested the Board should develop a policy on evaluating green technology for phosphorus removal.

Ms. Estenoz agreed with Mr. Dauray regarding a Board policy to better screen new green technology.

Ms. Wehle explained the process of funding programs with other agencies and agreed on developing a Board policy to address new green technology.

Mr. Olliff agreed to bring a policy on the new green technology for Governing Board approval.

Motion made by Malcolm Wade, seconded by Nicolás Gutiérrez to Approve the following item(s): 61

Vote called. Voting yes: Malcolm Wade, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

Everglades Restoration Resources

- 62. 2007-830** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to sign a letter to the U.S. Army Corps of Engineers expressing support for the Caloosahatchee River (C-43) West Basin Storage Reservoir Project Implementation Report; providing an effective date. (Larry Gerry, ext. 3701)

Larry Gerry, Department Director, Everglades Restoration Plan, provided a presentation on this agenda item.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 62

Vote called. Voting yes: Shannon Estenoz, Melissa Meeker, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 63. 2007-831** A Resolution of the Governing Board of the South Florida Water Management District to declare as surplus a perpetual conservation easement and authorize granting a perpetual conservation easement deed to the United States of America, by and through the Commodity Credit Corporation (U.S. Department of Agriculture - Natural Resources Conservation Service) over 1,357.14 acres, more or less, Martin County, Florida, for the purpose of restoring, protecting and managing the Pal Mar East property, part of the CERP Northern Palm Beach County Project, Palm Mar and JW. Corbett Wildlife Management Area Hydropattern Restoration and under the Wetlands Reserve Program, for consideration in the approximate amount of \$5,029,042 as revenue to the District; providing an effective date. (Contract Number 4600000967) (Bruce Hall, ext. 6541)

Ruth Clements, Department Director, Land Acquisition, provided information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 63

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 64. 2007-832** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-10162 with the Florida Fish and Wildlife Conservation Commission (FWC) for law enforcement services on District lands to provide funding for the next three years of the agreement in an amount not to exceed \$3,761,728, of which \$1,302,250 (\$23,300 in ad valorem funds and \$1,278,950 in dedicated funds consisting of \$1,111,000 from Water Management Lands Trust Fund, \$55,000 from Everglades Restoration Trust Fund, \$97,950 from Wetlands Mitigation Fund, and \$15,000 from Grant Fund) will be subject to Governing Board approval in the FY08 budget and the remainder will be subject to Governing Board approval in the FY09 and FY10 budgets; providing an effective date

Ruth Clements, Department Director, Land Acquisition provided a presentation on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 64

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 65. 2007-833** Approve a resolution of the Governing Board of the South Florida Water Management District authorizing entering into a Cooperative Agreement with the Florida Fish and Wildlife Conservation Commission (the Commission) to continue providing Land Management Services and the continued establishment and operation of District land as Wildlife Management Areas, Wildlife and Environmental Areas, Public Use Areas, and Small Game Hunting Areas, at a cost to the District of \$1,647,221 for the initial three years of the agreement; providing an effective date. (Contract Number 4600000961)

Ruth Clements, Department Director, Land Acquisition, provided a presentation on this agenda item.

Public Comment:

Newton Cook representing Water Fowlers of Florida thanked the District for allowing recreational use of public lands and supported the law enforcement agreement with Florida Wildlife Conservation Commission.

Motion made by Malcolm Wade, seconded by Nicolás Gutiérrez to Approve the following item(s): 65

Vote called. Voting yes: Malcolm Wade, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

- 85. 2007-844** A Resolution of the Governing Board of the South Florida Water Management District to approve the acquisition of land interests containing 17.8 acres, more or less, for the Biscayne Bay Coastal Wetlands Project, in Miami-Dade County, in the amount of \$1,780,000 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Department Director, Land Acquisition, provided a presentation on this item.

Motion made by Nicolás Gutiérrez, seconded by Shannon Estenoz to Approve the following item(s): 85

Vote called. Voting yes: Nicolás Gutiérrez, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 86. 2007-845** A Resolution of the Governing Board of the South Florida Water Management District requesting release of funds from the Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 17.8 acres, more or less, in Miami-Dade County, Florida, for the Biscayne Bay Coastal Wetlands Project, in the amount of \$1,780,000, and associated costs; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Shannon Estenoz, seconded by Nicolás Gutiérrez to Approve the following item(s): 86

Vote called. Voting yes: Shannon Estenoz, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Operations and Maintenance

- 66. 2007-834** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with YSI Corporation, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with YSI Corporation, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001005) (Francois Berger, ext. 4787)

Chair Buermann stated that items 66 through 74 will be voted as one item.

Francois Berger, Senior Supervising Engineer, Operations & Maintenance, provided information on this agenda item.

Mr. Rooney asked how the contractors are selected.

Mr. Berger responded to Mr. Rooney's question.

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 66

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade.

Motion passed.

- 67. 2007-835** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with HSA Engineers Incorporated, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with HSA Engineers Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001006) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 67

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade.

Motion passed.

- 68. 2007-836** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with Sutron Corporation, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with Sutron Corporation, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001008) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 68

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 69. 2007-837** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with Hydrogage Incorporated, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with Hydrogage Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001009) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 69

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 70. 2007-838** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with Aquaflora Instrumentation Incorporated, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with Aquaflora Instrumentation Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001010) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 70

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 71. 2007-839** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with Star Controls Incorporated, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with Star Controls Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001011) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 71

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 72. 2007-840** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with Professional Services Industries Incorporated, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with Professional Services Industries Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001012) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 72

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 73. 2007-841** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with Services of Professionals Incorporated, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with Services of Professional Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001013) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 73

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 74. 2007-842** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year work order contract with 2 one-year renewal options, subject to successful negotiations with Integrated Telecommunications Systems, one of 9 firms selected for CR10 Installation Services in an amount not-to-exceed the total funding of \$2,201,907 available for all 9 contracts (4600001005, 4600001006, 4600001008, 4600001009, 4600001010, 4600001011, 4600001012, 4600001013 and 4600001014); of which ad valorem and dedicated funds in the amount of \$733,969 are subject to Governing Board approval of the FY08 budget and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that if negotiations are unsuccessful with Integrated Telecommunications Systems, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001014) (Francois Berger, ext. 4787)

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 74

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 75. Public Comment**

Public Comments:

L.T. Clayton, South Dade Soil & Water Conservation District, yielded his time to his team member Robert Perez.

David DeMaio representing Palm Beach Soil and Water Conservation District, thanked the Board for considering the reinstatement of the Urban Mobile Irrigation Lab back into the budget.

Rosa Durando stated concerns for the water quality of Lake Okeechobee.

Robert Perez asked the Board to support the Urban Mobile Irrigation Lab and incorporate the item back in the budget.

Mr. Estenoz clarified that the Board had given staff the direction to reevaluate the funding of the Urban Mobile Irrigation Lab item.

Ms. Wehle clarified that the staff will review the budget and will bring options back to the Governing Board at the next meeting.

Alex Larson provided the Board with a copy of the "Order supplementing Court's Order of March 22, 2006", in Case No. 03-23427-CIV-Hoeveler.

Patrick Hayes would like the Board to reconsider adding budget support for the Urban Mobile Irrigation Lab.

Staff Reports

76. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett briefed the Board on federal legislation and recognized staff for their hard work.

77. Calendar Update - Annette Carter

Annette Carter provided a written report.

78. General Counsel Report - Sheryl Wood

Sheryl Wood provided a written report.

79. Executive Director's Report - Carol Wehle

Carol Wehle briefed the Board on the Executive Director's Report.

80. Board Comment

Chair Buermann commented on the NPDES litigation and read a statement into the record.

Mr. Wade recognized Elena Bernardo for all her hard work.

Closed Door Agenda

Executive Office

81. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976)

82. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976)

83. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Pietrucha v. South Florida Water Management District, 15th Judicial Circuit, Palm Beach County, Case No. 50-2005 CA 006879 Kelley. (Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Pietrucha v. South Florida Water Management District, 15th Judicial Circuit, Palm Beach County, Case No. 50-2005 CA 006879 Kelley. (Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976)

Chair Buermann read into the record the closed door action items and based on these discussions the Governing Board may consider action.

Ms. Wood requested no action be taken at this time but thanked the Governing Board for their direction on these items.

Adjournment

84. Adjourn

Chair Buermann adjourned the meeting at 4:30 pm.

Eric Buermann
Chairman
South Florida Water Management District Governing Board

Recorded By:

Sandra Gomez
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD

Motion made by Harkley Thornton, seconded by Shannon Estenoz to Approve the following item(s): 84

Vote called. Voting yes: Harkley Thornton, Shannon Estenoz, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Malcolm Wade. Motion passed.